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09/221,110	12/28/1998	MONICA PATEL	91436-139	5133

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 08/05/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/221,110

Applicant(s)

PATEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on May 19, 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litzenberger et al. (US 5,835,497).

2. Regarding claim 1, Litzenberger discloses a method of requesting operations and management data from a telephony switch (Figure 2, item 102; col. 1, lines 37-43) by a computing device (Figure 2, any of items 112-124) over a packet switched network (Figure 2, item 204; col. 7, lines 27-30; Figure 4) which is distinct from a public switched telephone network. The method comprises forming a packet comprising a network address identifying the telephone switch (col. 7, lines 27-30), an inherent network address identifying the computing device (col. 7, lines 41-45), an inherent first identifier to identify the message as a data request

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message (col. 7, lines 30-35), and a second identifier for identifying a type of data requested from the switch (col. 7, lines 30-32; Figure 3c). The message is inherently forwarded to the telephony switch (col. 7, lines 24-28). However, Litzenberger does not disclose establishing a connection between the computing device and the telephony switch over the packet network. One skilled in the art would recognize that connections are established between devices in order to control data flow between the devices (such as for connection-oriented protocols like TCP/IP, ATM, etc.). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to establish a connection between a computing device and the telephony switch over a packet-switched network in the invention of Litzenberger.

3. Regarding claim 7, Litzenberger discloses a method of providing operations and management data from a telephony switch (Figure 2, item 102; col. 1, lines 37-43) to a computing device (Figure 2, any of items 112-124) over a packet switched network (Figure 2, item 204; col. 7, lines 27-30; Figure 4) which is distinct from a public switched telephone network. The method comprises, in response to a request for management data, forming a packet comprising a network address identifying the computing device (col. 7, lines 41-45) and a second identifier for identifying a type of data requested from the switch (col. 7, lines 36-38). The message is forwarded to the computing device (col. 7, lines 45-46). However, Litzenberger does not disclose that the message contains the address of the switch. One skilled in the art would recognize that data packets typically contain a source address for identification by a destination device to aid in proper handling of the information within the data packet. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a source address in the data message from the telephony switch in the invention of Litzenberger. Further,

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Litzenberger does not disclose a response identifier in the response packet. One skilled in the art would recognize that response packets are typically indicated as such in order to for the destination to properly handle the information contained in the response. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a response identifier in the invention of Litzenberger.

4. Regarding claim 11, Litzenberger discloses a method of requesting operations and management data from a telephony switch (Figure 2, item 102; col. 1, lines 37-43; col. 7, lines 25-45) by a computing device (Figure 2, any of items 112-124) over a packet switched network (Figure 2, item 204; col. 7, lines 27-30; Figure 4) which is distinct from a public switched telephone network. However, Litzenberger does not disclose establishing a connection between the computing device and the telephony switch over the packet network. One skilled in the art would recognize that connections are established between devices in order to control data flow between the devices (such as for connection-oriented protocols like TCP/IP, ATM, etc.).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to establish a connection between a computing device and the telephony switch over a packet-switched network in the invention of Litzenberger. Further, Litzenberger does not disclose having a first connection and second connection simultaneously with the telephony switch. One skilled in the art would recognize that multiple connections between different devices is typically used for transferring data related to separate tasks. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow multiple connections between a telephony switch and a computing device in the invention of Herbert in view of Gardner in order to beneficially communicate in more than one connection

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simultaneously. Further, Litzenberger does not disclose that the first and second connection carry information of differing priorities. One skilled in the art would recognize that information of various connections may differ (such as high importance data that is time-sensitive and low importance data which is not critically time-sensitive). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have multiple connections with differing priorities in the invention of Litzenberger in order to give transmission priority to important or urgent data.

5. Regarding claims 2-3 and 9-10, Litzenberger does not disclose providing a security exchange for the connection between the telephony switch and the computing device which communicates login or authentication information to the telephony switch. One skilled in the art would recognize that authentication is used to generally prevent unauthorized access to a system. Therefore, it would have been obvious to one skilled in the art for a computing device to be authenticated by the telephony switch in the invention of Litzenberger to protect or secure information stored on the telephony switch from intrusion.

6. Regarding claims 4-5 and 12-14, Litzenberger does not disclose using TCP/IP. One skilled in the art would recognize that TCP/IP is typically used between computing devices on a network in order to facilitate a simplified and standardized exchange of information. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have TCP/IP in the invention of Litzenberger.

7. Regarding claim 6, Litzenberger does not disclose that the connection is established by way of an intermediate computing platform. One skilled in the art would recognize that connections are established to destinations through various intermediary computing devices such

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as edge switches or gateways. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a connection through an intermediary device in the invention of Litzenberger to connect disparate and distant networking devices.

8. Regarding claim 8, Litzenberger does not disclose an alphanumeric identifier of the telephony switch. One skilled in the art would recognize that addressing by an alphanumeric MAC address is often used to route packet data because the MAC address is often uniquely and permanently assigned to each device during manufacturing. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use an alphanumeric identifier to route packets in the invention of Litzenberger in order to reliably route packets to destinations based on unique and permanent addresses.

9. Regarding claims 15-16, Litzenberger discloses a method of requesting operations and management data from a telephony switch (Figure 2, item 102; col. 1, lines 37-43) by a computing device (Figure 2, any of items 112-124) over a packet switched network (Figure 2, item 204; col. 7, lines 27-30; Figure 4) which is distinct from a public switched telephone network. The method comprises forming a packet comprising a network address identifying the telephone switch (col. 7, lines 27-30), an inherent network address identifying the computing device (col. 7, lines 41-45), an inherent first identifier to identify the message as a data request message (col. 7, lines 30-35), and a second identifier for identifying a type of data requested from the switch (col. 7, lines 30-32; Figure 3c). The message is inherently forwarded to the telephony switch (col. 7, lines 24-28). However, Litzenberger does not disclose establishing a connection between the computing device and the telephony switch over the packet network. One skilled in the art would recognize that connections are established between devices in order

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to control data flow between the devices (such as for connection-oriented protocols like TCP/IP, ATM, etc.). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to establish a connection between a computing device and the telephony switch over a packet-switched network in the invention of Litzenberger. Further, Litzenberger does not disclose that the method embodied on a computer readable medium. One skilled in the art would recognize that various functions are performed by software run on a computing device in order to flexibly and inexpensively perform the various functions. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a computing device using software to perform the method of Litzenberger.

10. Regarding claim 17, Litzenberger discloses a method of providing operations and management data from a telephony switch (Figure 2, item 102; col. 1, lines 37-43) to a computing device (Figure 2, any of items 112-124) over a packet switched network (Figure 2, item 204; col. 7, lines 27-30; Figure 4) which is distinct from a public switched telephone network. The method comprises, in response to a request for management data, forming a packet comprising a network address identifying the computing device (col. 7, lines 41-45) and a second identifier for identifying a type of data requested from the switch (col. 7, lines 36-38). The message is forwarded to the computing device (col. 7, lines 45-46). However, Litzenberger does not disclose that the message contains the address of the switch. One skilled in the art would recognize that data packets typically contain a source address for identification by a destination device to aid in proper handling of the information within the data packet. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a source address in the data message from the telephony switch in the invention of Litzenberger. Further,



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Litzenberger does not disclose an response identifier in the response packet. One skilled in the art would recognize that response packets are typically indicated as such in order to for the destination to properly handle the information contained in the response. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a response identifier in the invention of Litzenberger. Further, Litzenberger does not disclose that the method embodied on a computer readable medium. One skilled In the art would recognize that various functions are performed by software run on a computing device in order to flexibly and inexpensively perform the various functions. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a computing device using software to perform the method of Litzenberger.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hammond et al. (US 6,163,602; col. 3, lines 23-30) and Beebe et al. (US 2001/0014150; Figure 10A and 11; para. 172) each discloses transmitting call records over a packet network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

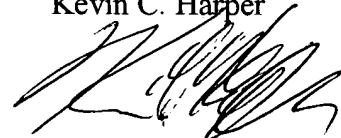
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper

A handwritten signature in black ink, appearing to read 'K. Harper', written over the printed name.

August 4, 2003